

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

MIGUEL RIVERA-SANTIAGO  
Petitioner

v.

UNITED STATES OF AMERICA  
Respondent

CIVIL NO. 97-1557 (RLA)

**UNITED STATES' MOTION REQUESTING AN ORDER PROHIBITING PETITIONER  
TO INTRODUCE ANY UNDISCLOSED EVIDENCE**

TO THE HONORABLE COURT:

COMES NOW the United States of America, by and through the undersigned attorneys, and very respectfully opposes the motion filed by the above defendant(s).

On March 3, 2005, a Pre-Hearing Conference was held in the instant case. During said hearing this Court established date lines for filing pleadings and providing discovery. Petitioner was ordered to provide copies of the documentary evidence he intends to use at the hearing **on or before March 11, 2005**. (Docket No 77).

Although the United States had informally requested counsel for petitioner to comply with the above-mentioned discovery order it is not until **April 22, 2005**, that copies of the following documentary evidence Minutes of Proceedings, dated August 24, 1992(1page); Affidavit of Luis Enrique Ovalle-Marquez, dated April 11, 1977(5 pages, page 4 in blank) and a report of investigation prepared by Elvin Ayala Lugo, dated May 6, 1998 (5 pages). As of the filing of this pleading no further documentary evidence has been disclosed.

In view of the above and pursuant to Fed. R. Crim P. 16(d)(2)(C) and Fed. R. Civ. P. 37(b)(2)(B), the United States respectfully request that, apart of the above-mentioned disclosed evidence, petitioner be prohibited from introducing at the hearing any undisclosed evidence due to his flagrant disregard and violation to this court's discovery order.

WHEREFORE, the United States respectfully request that this motion be granted accordingly.

\_\_\_\_ RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 29<sup>th</sup> day of April, 2005.

H.S. GARCIA  
United States Attorney

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s/EDWIN O. VÁZQUEZ-BERRIOS  
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#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 29, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and will be electronically notified to counsel Rafael Anglada and is available for viewing and downloading from the Court's CM/ECF system by them.

s/EDWIN O. VÁZQUEZ-BERRIOS  
Assistant United States Attorney